

HONORABLE BARBARA J. ROTHSTEIN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PHILIP MARTIN, T.F. (NATALIE) TANG,
and YATIN KHANNA, individually and on
behalf of all others similarly situated,

Plaintiffs,

V.

BINANCE HOLDINGS, LTD. d/b/a
BINANCE, BAM TRADING SERVICES,
INC. d/b/a BINANCE US, a Delaware
corporation, and CHANGPENG ZHAO,

Defendants.

Case No. 2:24-cv-01264-BJR

**ORDER GRANTING STIPULATED
MOTION TO STAY DISCOVERY AND
AMEND THE BRIEFING SCHEDULE
FOR MOTION TO COMPEL
ARBITRATION**

I. STIPULATED MOTION

Plaintiffs Philip Martin, T.F. (Natalie) Tang, and Yatin Khanna (collectively, “Plaintiffs”), and Defendants Binance Holdings, Ltd. (“BHL”), BAM Trading Services Inc. (“BAM”), and Changpeng Zhao (collectively, “Defendants”), stipulate and agree as follows:

1. On August 16, 2024, Plaintiffs filed the Complaint. (Dkt. No. 1.)
 2. Between September 17 and September 20, 2024, counsel for the Parties met and conferred pursuant to the Court’s Standing Order for All Civil Cases (Dkt. No. 14 (the “Standing Order”)), in order to determine whether a motion pursuant to Fed. R. Civ. P. 12(b) could be avoided.

**ORDER GRANTING STIPULATED MOTION TO
STAY DISCOVERY - 1
CASE NO. 2:24-cv-01264-BJR**

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1 3. On October 4, 2024, the Parties filed a Stipulated Motion to Waive Service and Set
 2 Schedule for Response to Complaint. (Dkt. No. 41.) On October 7, 2024, the Court granted the
 3 Parties' Stipulated Motion. (Dkt. No. 42 (the "Bifurcated Schedule").)

4 4. Pursuant to the Bifurcated Schedule, Defendants' deadline to file a Motion to
 5 Compel Arbitration is December 6, 2024; Plaintiffs have 30 days from that Motion to file an
 6 opposition; and Defendants have 14 days to file a reply. (*Id.* at 3.) If the Court denies Defendants'
 7 Motion to Compel Arbitration, the Parties shall meet and confer pursuant to the Court's Standing
 8 Order to determine whether a motion pursuant to Fed. R. Civ. P. 12(b) can be avoided. Then, the
 9 Parties shall file a joint report with the Court no later than 14 days after any Order denying
 10 Defendants' Motion to Compel to notify the Court if Defendants seek to file a Motion to Dismiss
 11 and, if so, the proposed briefing schedule of the parties. (*Id.*)

12 5. On October 10, 2024, the Court entered an initial schedule setting various
 13 discovery-related deadlines for this case. (Dkt. No. 48 (the "Initial Schedule").) Under the Initial
 14 Schedule, the Parties' deadline for a Fed. R. Civ. P. 26(f) conference was November 7, 2024; for
 15 initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) is November 14, 2024; and for a combined
 16 joint status report and discovery plan as required by Fed. R. Civ. P. 26(f) and L.R. 26(f) is
 17 November 21, 2024. (*Id.* at 1.)

18 6. Pursuant to the Initial Schedule, the Parties met and conferred via Zoom on
 19 November 4, 2024, and continued to meet and confer to date via email.

20 7. Pursuant to those meet and confer efforts, the Parties agree that, with the exception
 21 of limited arbitration related discovery to be agreed upon between Plaintiffs and BHL as set out
 22 below, (a) staying discovery and the deadlines in the Initial Schedule until the Court enters a
 23 decision on Defendants' Motion to Compel and (if necessary) Defendants' Motion to Dismiss (the
 24 "Stipulated Stay of Discovery"), and (b) amending the briefing schedule set out in the Bifurcated
 25 Schedule, serves efficiency and judicial economy, conserves the Parties' and the Court's resources,
 26 and facilitates the orderly presentation and adjudication of the issues presented in this case.

1 8. Accordingly, the Parties agree that good cause exists for the Court to enter an order
 2 pursuant to Fed. R. Civ. P. 6(b) and 26(c) approving the Stipulated Stay of Discovery and
 3 amending the Bifurcated Schedule as follows:

- 4 A. Defendants wish to use certain filings from the following cases in support of their
 5 Motion to Compel Arbitration: *Kattula v. Coinbase Global, Inc., et al.*, No.
 6 1:22CV03250 (N.D. Ga. filed Aug. 15, 2022), and *Osterer v. BAM Trading
 7 Services Inc., et al.*, No. 1:23CV22083 (S.D. Fla. filed Jun. 5, 2023). Plaintiffs and
 8 BHL will meet and confer regarding which filings from these cases Plaintiffs will
 9 agree to authenticate and/or verify. BHL and Plaintiffs will enter into a stipulation
 10 regarding such filings within 5 business days after BHL provides Plaintiffs with the
 11 filings it intends to reference in the Motion to Compel.
- 12 B. BHL will issue limited arbitration-related discovery requests to Plaintiffs by
 13 November 20, 2024.
- 14 C. Plaintiffs will provide responses to BHL's requests by December 4, 2024.
- 15 D. Defendants' initial Motion to Compel brief will be filed by December 13, 2024.
- 16 E. Plaintiffs will issue discovery requests to BHL by December 23, 2024.
- 17 F. BHL will provide responses to Plaintiffs' requests by January 6, 2025.
- 18 G. Plaintiffs' opposition to Defendants' Motion to Compel will be due on January 15,
 19 2025.
- 20 H. BHL will serve any additional limited written discovery requests by January 20,
 21 2025, and Plaintiffs' responses to those requests will be due on January 27, 2025.
- 22 I. Defendants' reply in support of the Motion to Compel will be due on February 3,
 23 2025.
- 24 J. All other discovery shall be stayed until the Court enters a decision on Defendants'
 25 Motion to Compel and, if Defendants file a Motion to Dismiss, the Court enters a
 26 decision on Defendants' Motion to Dismiss.
- 27 K. The deadlines in the Initial Schedule (Dkt. No. 48) shall be stayed until the Court

1 enters a decision on Defendants' Motion to Compel and, if Defendants file a Motion
 2 to Dismiss, the Court enters a decision on Defendants' Motion to Dismiss.

- 3 L. If the Court denies Defendants' Motion to Compel and no Motion to Dismiss is
 4 filed or the Court denies the Motion to Dismiss, the deadlines in the Initial Schedule
 5 (Dkt. No. 48) shall be set as follows:
- 6 a. Fed. R. Civ. P. 26(f) Conference shall be within 14 days after any Order
 7 denying the Motion to Dismiss or joint report indicating that Defendants do
 8 not seek to file a Motion to Dismiss;
- 9 b. Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1) shall be within 28
 10 days after any Order denying the Motion to Dismiss or joint report
 11 indicating that Defendants do not seek to file a Motion to Dismiss;
- 12 c. Combined Joint Status Report and Discovery Plan as Required by Fed. R.
 13 Civ. P. 26(f) and Local Civil Rule 26(f) shall be within 42 days of any Order
 14 denying the Motion to Dismiss or joint report indicating that Defendants do
 15 not seek to file a Motion to Dismiss.

16 9. The Parties submit that good cause exists to grant the Stipulated Stay of Discovery.
 17 Defendants' Motion to Compel and potential Motion to Dismiss are both dispositive motions
 18 which, if granted, would render discovery unnecessary. The proposed schedule potentially
 19 prevents the Parties from spending unnecessary litigation expenses and ensures the Court does not
 20 expend judicial resources on any unnecessary discovery-related issues. Similarly, staying the
 21 deadlines in the Initial Schedule promotes efficiency and conserves judicial resources by allowing
 22 the Parties the benefit of this Court's decisions on the Motion to Compel and Motion to Dismiss
 23 when proposing discovery and trial deadlines.

24 10. The Parties further submit that the Stipulated Stay of Discovery and amendments
 25 to the Bifurcated Schedule will not unduly delay this case. This case is still in the very early stages,
 26 and no trial date has been set. Engaging in discovery while dispositive motions are pending does
 27 not facilitate the efficient adjudication and litigation of this case. Furthermore, the proposed

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1 deadlines in this Stipulated Stay of Discovery ensure that the case will move efficiently and quickly
 2 if the Defendants' dispositive motions are denied.

3 IT IS SO STIPULATED this 13th day of November 2024.

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II. ORDER

IT IS SO ORDERED.

DATED this 14th day of November 2024.

Barbara Pothstein

**BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT JUDGE**

Presented by:

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